

REMARKS/ARGUMENTS

In the Office Action mailed on September 21, 2005, claims 1 and 3-5 were rejected. Claim 1 is independent. Claims 1 and 3-5 remain pending in this application. The following remarks are believed to be fully responsive to the Office Action. All pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS - 35 U.S.C. §103(a)

The Examiner rejected claims 1 and 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 4,980,914 to Kunugi et al. (hereinafter referred to as "Kunugi") in view of United States Patent No. 5,850,453 to Klayman et al. (hereinafter referred to as "Klayman") and United States Patent No. 6,108,430 to Blachot (hereinafter referred to as "Blachot"). In light of the following remarks, Applicants respectfully submit that these claims are allowable.

The Examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. *MPEP* §2142. To establish a prima facie case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, to modify the references or to combine reference teachings. Second, there must be reasonable expectation of success. Finally, the prior art must teach all the claim limitations. *MPEP* §2142. The Kunugi reference does not teach or suggest all the claim limitations of independent claim 1.

Applicants respectfully point to the final prong of the test, which states the prior art must teach all the claim limitations. At the very least, Kunugi does not teach all of the limitations of independent claim 1.

Additionally, Applicants note that the Examiner has cited the Kunugi reference to reject those claims that include a cutoff frequency of the low pass filter means selected to be not lower than 2 kHz and not higher than 6 kHz. However, Kunugi describes a sound system whereby the cutoff frequency is not selected to be not lower than 2 kHz and not higher than 6 kHz as presently claimed. See *col. 9, lines, lines 3-5 of Kunugi*. In fact, Kunugi in Figure 12 teaches a delay 3-1 that has been inserted prior to the low pass filter 3-13 and level adjusting unit 3-2 and inverter 3-3. This differs from the configuration shown in Fig. 1 of the present invention. Again, Kunugi discloses no such teaching to select a cutoff frequency to be in the range of 2 kHz to 6 KHz as presently claimed.

Moreover, claim 1 recites, *inter alia*, wherein a cutoff frequency of the low pass filter means is selected to be not lower than 2 kHz and not higher than 6 kHz and attenuation of the first audio signal into the attenuator means is adjusted by the attenuator means that a listener who intends to listen to reproduced sound obtained from the speaker means is able to recognize a virtual sound source position in front of and at a level higher than an actual position of the speaker portion. Thus, it cannot be said that Kunugi teaches or suggests a cutoff frequency of the low pass filter means is selected to be not lower than 2 kHz and not higher than 6 kHz as presently claimed.

Additionally, Applicants note that the Examiner has cited the Klayman reference to reject those claims that include a differential amplifier means operative to produce a fourth audio signal corresponding to a difference between the first and third audio signals supplier and the Blachot reference to reject those claims that include the low pass filter receiving the output signal of the attenuator. However, neither Klayman or

Blachot cures the deficiencies of Kunugi mentioned above. Therefore, Applicants note that claim 1 is allowable as discussed previously. Any claim that depends from an allowable claim is allowable as well. Thus, Applicant respectfully request that the rejection to claims 1 and 3 be removed.

The Examiner rejected claims 4 and 5 under 35 U.S.C. §103(a) as being unpatentable over Kunugi in view of Klayman and Blachot further in view of United States Patent No. 6,108,430 to Kurisu et al. (hereinafter referred to as "Kurusu"). Kurisu does not cure the deficiencies of Kunugi mentioned above. Therefore, Applicants note that claim 1 is allowable as discussed previously. Any claim that depends from an allowable claim is allowable as well. Thus, Applicants respectfully request that the rejection to claims 4 and 5 be removed.

CONCLUSION

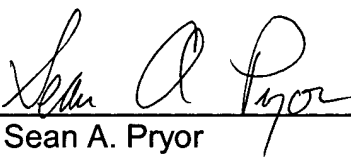
In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims. If, for any reason, the Examiner disagrees, please call the undersigned agent at 202-408-6023 in an effort to resolve any matter still outstanding before issuing another action. The undersigned agent is confident that any issue which might remain can readily be worked out by telephone.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 21, 2005

By: 
Sean A. Pryor
Reg. No. 48,103